

On-going event log of activities directly, and indirectly, related to the Hopedale W&S efforts to preserve and protect the water supply.

(last updated 1/20/2022)

Date	Event	Notes/Summary	Source Docs
2/14/2019	An environmental firm is a guest to discuss the Fly Ash silos. GURR President attends a W&S meeting.	GURR is asked if they have any plans to expand. Response is that they have the right to expand, won't answer if they have plans to expand	Meeting minutes
Discovery items uncovered at various times	Nov 2017 – GURR presentation	Later discovered that GURR did a presentation back in 2017 which included the West St property	https://ebcne.org/wp-content/uploads/2017/11/11-07-17-MASTER-Rail-Haul-of-Solid-Waste.pdf
	Oct 2018	Oct 2018 - BOS approved GURR's fly ash plan without contacting WS or Conservation	BOS Silo Approval Letter
	Jan 17, 2019	Jan 17 DEP Wetland ruling	DEP Decision Wetland Protection 2020
	Feb 21, 2019	Army Core notice of violation letter	NAE-2019-00171 NOV
3/15	GURR files to take property by eminent domain	Was Town notified? This was not made public until July	DPU Case 19-39
7/1	W&S is informed of the DPU filing	WS is notified by a resident who saw it in a Worcester paper. Town Admin was aware of this, meeting with GURR meeting to be held on 7/15	Email exchange
7/15	BOS / GURR meeting	GURR presents plans for the property they are attempting to acquire	
7/17	DPU Public Hearing	Held at the HS	
7/23	W&S Meeting	WS Vote to Intervene; filed	WS Meeting minutes
7/25	BOS Public Forum	BOS does not make a decision whether to Intervene or not.	

7/30	BOS meeting, W&S Files to Intervene	W&S provides letter to intervene to BOS; In executive session BOS decides to Intervene	(BOS has not posted minutes from this meeting)
7/31	BOS email 'disagrees' with W&S; KP files to intervene for BOS	Email only states BOS disagrees with W&S as lead, not with W&S's independent counsel; email chain concludes with W&S (CB's) recommendation	7/30 emails
8/2	Peer Review report	EnviroTrac: Summary of Environmental Document Review: 1, 6 and 7 Fitzgerald Drive 12 and 16 Depot St	Report: Peer Review
8/8 to 8/16	W&S confirms steps to pursues special counsel	Mackle Shea files supplemental info for W&S	W&S Minutes; DPU Filing – DPU case 19-39 EEonline.eea.state.ma.us/DPU/Fileroom
10/25	Joint meeting regarding FlyAsh silos;	A rather contentious meeting. GURR even mentions W&S's special counsel.	Joint meeting letter and Minutes: Joint Letter to GURR WS minutes-Joint Meeting October 25, 2019
11/4	TM prep meeting	First Indication that BOS does not approve of special counsel	11/6 KP special counsel letter
11/12	TM – WS submits an amendment to ask the residents to authorize WS special counsel	W&S amendment is denied; Is never brought to a vote	
11/25	Joint Meeting w/BOS	WS is requesting approval for Special Counsel to fulfill our responsibility to preserve/protect the water supply.	Decision to be made in follow-up meeting.
2020	Event	Notes/Summary	Source Docs
Feb 25 2020	Follow-up Joint meeting	BOS denies W&S special counsel, but agrees to use Mackle/Shea as their firm to pursue the DPU filing. Will operate 'together',	Executive session minutes (still have not been posted?)

		with Tim being the lead resource.	
			DPU case 19-39 for details
July 13 2020	GURR files intent to purchase	GURR has a P&S for West St, which triggers Hopedale's right of first refusal. BOS recommends waiving this right at the very first meeting.	BOS remarks doc: bos_remarks_re_ppp-gu_railroad_and_town_of_hopedale
July 13, 2020	GURR's IRAP grant application	BOS supports this with little discussion regarding the actual project associated with this grant	IRAF BOS Letter 2020
July 14-Oct 24	Many meetings, activities to address Town's options	Key questions: Can the Town afford the property? If so, should the Town acquire the property? Regarding WS use of special counsel – RoFR is a separate issue. Although same counsel, reports directly to BOS	Town's website - RoFR page Related Documents: W&S Land Recap Blackstone Valley Watershed letter Hopedale Foundation Donation commitment Finance Committee Report (Anonymous Donor Commitment – to BOS)
Sept 18	Did not receive Fish and Game ILF grant	Some of the reasons why the pre-proposal did not rate highly were related to project readiness, feasibility in terms of funding and concern regarding potential effects of the existing railroad easement on aquatic resources	Letter: Hopedale Mill River Pre_ILF Preproposal Response_NS
Sept 29	Holliston Land violation	GURR clears land in Holliston	Holliston555_land_disturbance_violation
Oct 8	Special Town Meeting Warrant	Resident petition for land acquisition article	
Oct 15	GURR letter to BOS	GURR letter informing the Town that they had taken over the Trust that owned the land	Posted to Town RoFR page

		Response to GURR's Oct 15 Letter to BOS regarding WS chairman	10-23-2020 EB to BOS regarding GURR letter
Oct 21	Town's response to GURR	Town hold an irrevocable option to purchase the Forestland	(Letter from Peter Durning)
10/24/2020	Special Town Meeting	Outdoor meeting, attended by 400+ Near unanimous vote to acquire the property	Town meeting warrant, motions, minutes
10/30/2020	BOS Meeting	BOS votes to exercise RoFR and acquire the property	BOS Meeting minutes
11/23/2020	BOS Meeting – GURR IRAP grant/project	BOS “re-affirms” their support of the GURR IRAP grant, with no discussion/details regarding the project.	IRAP application starts on page 55 of BOS packet 11232020 IRAP Note to BOS (unofficial WS response because there was not time for a WS meeting. Verbally stated at the BOS meeting)
11/23/2020	C Burke WS Resignation	Letter from GURR owner questions the resignation	12-20-2020 CBurke letter to B Keyes
11/24/2020	Land Court Hearing	Mediation Screening Order. By January 22, 2021 parties to complete mediation screening. By the January 25, 2021 parties to submit written joint report to the court as to outcome of the mediation screening	2020.11.24 Hearing on Preliminary Injunction Land Court Case: 20 MISC 000467
12/17/2020	Mediation Screening	BOS agrees to enter mediation session (12/21 BOS meeting) Chair Keyes – “let the residents know that they will not be entering into a binding agreement without hearing input from the public, Boards and Commissions”	BOS 12/21/2020 Meeting minutes
Dec 20	Watershed Video	Doug Scott Video	Video Link https://youtu.be/6AyC0JtycpU
2021	Event	Notes/Summary	Source Docs
1/8	BOS Land Court Mediation	First Mediation session between GURR and BOS.	

1/20	WS/BOS Meeting	Executive Session (Details of a settlement agreement were <u>NOT</u> discussed)	WS Executive Session Minutes
1/21	BOS Land Court Mediation	Second Mediation session between GURR and BOS	
1/25	Land Court BOS Meeting	Due to report back After 2 sessions, without input from any other Town board, BOS votes to accept a settlement with GURR (Split Vote 2-1)	Settlement Term Sheet
2/4	Conservation Committee and WS hold a joint meeting	The settlement was reviewed. WS confirms the overreach, "cease and desist" letter. WS and Con Comm sent separate additional concerns 'draft' letters.	WS Settlement letter Feb5 WS Concerns Feb5 (Con Comm presentation)
2/8	Hopedale BOS	BOS Confirms / executes an updated settlement, despite requests for pause, feedback from WS, Conservation Committee and Citizen's 10 notice.	[2021.02.08] Settlement Agreement and Mutual Release of All Claims with exhibits – executed [2021.02.08] COST SHARING AGREEMENT - executed by Town Trust and GURR 10 Citizens notice
2/8	Milford BOS	Milford BOS retains ownership of West St property, citing truck traffic concerns	Milford 2-8-21
2/24	Hopedale Foundation	Hopedale Foundation notifies BOS that their financial assistance for the Town to purchase 155.24 acres still stands. "However the Trustees... will revisit this vote again in the future should the facts	Hopedale Foundation to BOS

		change at the time of final purchase.”	
2/25	WS Meeting: Updated settlement and Cost Sharing Agreement	Cost Sharing is sent to WS for signatures. WS does not sign, creates a list of Initial questions.	WS Cost Sharing Questions
3/3	10 Citizens Complaint is filed	Lawsuit against the Town to void the settlement and return the full 155 acres to the Town of Hopedale for conservation and parklands	Verified Complaint
3/10	Worcester Superior Court	Case: 2185CV00238 Search Worcester Superior Court, Worcester, Case Number	https://www.masscourts.org/eservices/search.page.3?x=dnSpwrxQr6CSitu6KnfVaw
3/11	WSC	Supplemental filings Preliminary injunction, denied	
3/19	WSC	Citizen's Appeal -	Citizens appeal
4/8	WSC	Citizen's win appeal, Injunction to stop the execution of the 'settlement'	Appeals Court ruling
4/12	Citizen's group letter	Letter to BOS related to the potential next steps	Reilly Letter (4/12)
4/16	BOS Letter	To the Hopedale Foundation, explaining that the amount of land to be acquired has changed.	BOS Letter to Hopedale Foundation Trustles
4/26	KP Letter	Related to the potential next steps	KP #760799 HOPD Status statement
5/6	Supplemental fillngs	Additional filings related to the appeals ruling	Plaintiff motion Judgement Plaintiff Opposition to RR Memorandum In support of Motion Judgement
5/8	Hopedale Foundation	Charitable donation “on hold” until Town completes purchase, final details are known	Hopedale Foundation May 5 letter
5/17	Supplemental filings	Additional filings, responses related to the appeals ruling	Corr-5-17-21 David Lurie KP #764076 G&U Opposition

5/19	Draper vs GURR/BOS	Case 4:18-cv-40209-TSH Surface Transportation Board The full complaint with many additional Exhibits is filed in Worcester Superior Court	Amended Memo of Remand petfordecoderFD36518051321 Order Entering Agreement for Judgement Reply to GURR Petition for Declaratory Order
6/1	Citizen's 10 filing	Memorandum both in Opposition to the Hopedale Board of Selectmen's Cross-Motion for Judgment on the Pleadings and as a reply in support of Plaintiffs' Motion for Judgment	Plaintiff Memo In Opp and Reply MJP
7/9	West St land clearing activity	Land clearing activity was reported which triggered a series of actions and questions. This eventually became part of the court case but unfortunately, not until significant clearing had been done.	July 9 Activities recap
7/29	555 Hopping Brook	Holliston planning board officially denies the special permit for 555 Hopping Brook (GURR's warehouse project)	https://stop555hoppingbrook.com/
8/17	Grafton EPA issue	Lack of a safety plan	https://graftoncommon.com/epa-is-tracking-complaints-as-it-seeks-settlement-with-grafton-upon-railroad-over-safety-plan/
9/5	Land clearing and bridge work	Claiming this is GURR property, GURR has started developed The Mendon portion of Carpenter Rd, south of the tracks is a land locked lot owned by GURR. But the long stretch from the tracks to Rt 140 is part of the Chapter 61 364 West St property.	Carpenter Rd map Video of the substantial destruction caused to the Forestland by the Railroad's land-clearing while the Appeals Court injunction remained in effect can be viewed at: https://www.dropbox.com/sh/ynr9dherkr6io1c/AAApX9viCmH1vW77qQRbN7X5a/MP4?dl=0&preview=DJI_0236.MP4&subfolder_nav_tracking=1

9/9 9/24	Citizen 10 Court Case	Judge Issues a temporary order to stop development on the property Which remains in effect, per 9/24 ruling	Preliminary Injunction Sept 24 2021 Note the judge's comment – "If the plaintiffs are successful in this lawsuit, the Forestland would remain in its natural state."
9/29	Select Board Meeting	GURR presents IRAP and Settlement, during a "no questions allowed" segment of the meeting A GURR meeting attended by some Hopedale officials was held in Upton on 8/18.	Refer to the SB meeting video and materials No details of the meeting in Upton have been provided. (as of 10/14)
10/2	Grafton	Grafton reports EPA settlement – The EPA has finalized a settlement with the Grafton & Upton Railroad for alleged violations of federal chemical accident prevention requirements at the North Grafton propane distribution terminal.	https://graftoncommon.com/grafton-upton-railroad-must-pay-52k-train-responders-in-epa-settlement/#main
10/14	IRAP Requests	GURR's FY22 IRAP requests	GU-FY22 Hopedale and Upton IRAP Applications
10/14	Hopedale Building Permits	Email from the Building Commissioner stating that no building permits have been taken out on West St, or the railyard for over the past 3 years	Hopedale Building Permits Email
	FlyAsh Monitoring	WS letter to SB for fly ash monitoring	Fly Ash monitoring Oct 2021
Nov 3	Surface Transportation Board	STB's ruling regarding the easement issue between Mill and GURR. ..this proceeding will be held in abeyance pending a decision from the state court.	STB_Nov3_2021

Nov 3	Appeals Court	Stop work order at 364 West St remains in effect. GURR's request to remove the stop work injunction is denied.	Appeals Court Nov3
Nov 10	Superior Court Ruling	Settlement is invalidated Ultimate ownership issue goes back to the Town (Select Board)	Post the ruling and 2 letters
Nov 22	Select Board Meeting	SB meeting to provide an update on the court ruling and SB's executive session. Hold a no comments, no questions session.	
Nov 24	Town request clarification	Town request clarification and additional time. Citizen's response	Town's request Plaintiff Opp to not to clarify
Nov 24	Legal summary	Mass Lawyer's weekly article	Judge nixes deal over forest land
Dec 16	Court's clarification	Town of Hopedale does still hold the option to pursue the acquisition per Chapter 61 rights	Clarification Ruling
Dec 20	WS Impact Letter	Impact due to the clearing of watershed forestland	WS Impact Letter
Jan 4, 2022	Motion to vacate stipulation of dismissal	The Town's motion to pursue the acquisition of 364 West St	town motion to vacate
Jan 13, 2022	Nuclear Metals Superfund Site Concord MA	GURR is a subcontractor on this project to transport contaminated soils. (Concord to Hopedale railyard for rail transport.) Trucking plan should be coordinated with the town before this begins. (~late summer 2022)	https://nmisite.org/
Jan 13, 2022	Responses to dismissal	GURR's opposition and Hopedale's response to extending the stop work injunction and settlement dismissal	GURR Opposition Extension of Injunctive Order Joinder of Town's Motion Response to GURR's settlement opposition
Jan 20	Additional Court Info	Various filings	1.20.22 Hopedale Citizens Request Supp Verified Complaint of Intervenor Plaintiffs Hopedale Citizens Emergency Motion for Expedited Hearing

			Ltr to Chief Justice Carey RR's opposition
Jan 22	P. Durning letter	Additional info to support vacating the Land Court case	[2022.01.22] Town of Hopedale Supplemental Response to Request for Interdepartmental Transfer
Jan 28	Land Court ruling	Judge Rubin denies Hopedale's motion to vacate the land court settlement	20 MISC 000467 DRR - Decision
Feb 9	Legal meeting w/Superior Court Judge	WS note to Town Counsel Judge Goodwin: no legal basis for this court to extend the stop work injunction. RR will honor stop work order to 2/14	Note regarding the meeting with SC Judge Goodwin
Feb 10	SB Meeting	Votes to appeal, will hold a Special Town Meeting and request an extension to the injunction.	Durning Riley ltr 2.10.22
Feb 18	Land Court appeal preparation	Citizen's appeal information WS letter objecting to GURR's continued land clearing proposal	2.16.22 motion for Injunction pending appeal land ct WS objection to land clearing